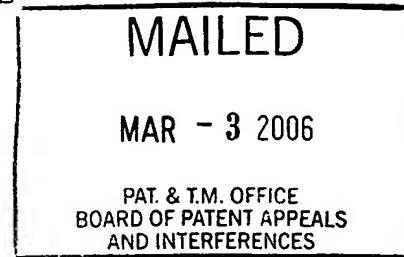


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JASPER JAN WICKERHOFF and TJAARD SIJPKES

Application No. 10/621,362

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 9, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, page 2, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references were applied to the statement of rejections in the Grounds of Rejection section, paragraph (9) of the examiner's answer. Before further review,

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the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

In addition, the examiner's answer contains a new Ground of Rejection, as permitted by 37 CFR § 41.39(a)(2). However, the examiner's answer mailed September 9, 2005 is deficient, in that the examiner's answer was not signed by a Technology Center Director. See the following URLs:

<http://www.uspto.gov/web/offices/pac/dapp/opla/presentation/bpaislides.htm>

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/ngtcauth.pdf>

Appropriate correction is required.

Accordingly, it is


ORDERED that this application be returned to the examiner to: 1) vacate the examiner's answer mailed September 9, 2005, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section; 2) have the Technology Center approve the new Ground of Rejection in the examiner's answer mailed September 9, 2005 or if the Technology Center Director does not approve the new Ground of

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Rejection, the examiner's answer must be rewritten without the new Ground of Rejection; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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